

JOURNAL OF THE HOUSE.

Thursday, May 26, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we take this moment for a prayer and to focus our thoughts and attention on You, Our Creator. Our intention each day is to serve You, our families, our constituents and the Commonwealth in a honorable, faithful and conscientious manner. On Monday, we observe Memorial Day, a national holiday on which we remember in our prayers and thoughts the deceased members of the armed forces. As a people and a nation, we are grateful to them for their great personal sacrifices, patriotism and dedication to this country. May we always hold in high esteem personal freedom and the dignity of each person who has been created by You.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor.

National Guard, fee waivers.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2005 relative to fee waivers for members of the National Guard (House, No. 4067) was filed in the office of the Clerk on Tuesday, May 24.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Illegal drugs, manufacturing.

A message from His Excellency the Governor recommending legislation relative to manufacturing and trafficking of illegal drugs (House, No. 4068) was filed in the office of the Clerk on Monday, May 16.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

National Guard, compensation.

A message from His Excellency the Governor recommending legislation relative to National Guard compensation (House, No. 4069) was filed in the office of the Clerk on Tuesday, May 24.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

Appointment to a Special Commission.

The Speaker announced the appointment of Ms. Judith Kurkland to the special commission (under Section 66 of Chapter 3 of the General Laws) on the Status of Women.

Status of Women Commission.

Statement of Representative Kulik of Worthington.

A statement of Mr. Kulik of Worthington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Thursday last, May 19, due to a long-standing family commitment. Had I been present for the taking of yea and nay numbers 63 to 65, inclusive, I would have voted, in each instance, in the negative. Had I been present for the taking of yea and nay number 67, I would have voted in the affirmative. Any roll calls that I missed that day is due entirely to the reason stated.

Statement of Representative Kulik of Worthington.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Lieutenant George E. Blanchard on the occasion of his retirement;

George E. Blanchard.

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Stephen Carkin on receiving the Eagle Award of the Boy Scouts of America;

Stephen Carkin.

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Garrett Thomas Dyer on receiving the Eagle Award of the Boy Scouts of America;

Garrett Thomas Dyer.

Resolutions (filed by Messrs. Fennell of Lynn, Falzone of Saugus, Petersen of Marblehead and Walsh of Lynn) honoring the St. Mary's girls ice hockey team;

St. Mary's girls hockey team.

Resolutions (filed by Mr. Hynes of Marshfield) honoring the town of Marshfield's Furnace Brook Middle School student council and student body for their community service projects for 2004-2005;

Marshfield, Furnace Brook Middle School.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating the Natick Lions Club on their fiftieth anniversary of service to their community;

Natick Lions Club.

Resolutions (filed by Mr. Marzilli of Arlington) honoring Robert Riley on the occasion of his retirement from the Department of Corrections;

Robert Riley.

Resolutions (filed by Mr. Murphy of Burlington) honoring the memory of Marine Lance Corporal Travis Desiato;

Travis Desiato.

Resolutions (filed by Mr. Spellane of Worcester) recognizing the USS LST 325 Memorial Ship on her visit to Massachusetts;

USS LST 325 Memorial Ship.

Resolutions (filed by Ms. Stanley of West Newbury) honoring Jessica Lee Bishop on the occasion of her graduation from UMass Amherst and her appointment to the US Air Force Flight School;

Jessica Lee Bishop.

Resolutions (filed by Mr. Swan of Springfield) congratulating Mary Taylor-Langford on her retirement from the Massachusetts Department of Social Services; and

Mary Taylor-Langford.

Lawrence R.
Keough.

Resolutions (filed by Representatives Teahan of Whitman and Scaccia of Boston) on the occasion of the retirement of Lawrence R. Keough;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rush of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

Smart growth
zoning and
housing
production.

An Order (filed by Mr. Torrissi of North Andover) relative to authorizing the committee on Community Development and Small Business and the committee on Housing to consider jointly Senate, No. 149, relative to smart growth zoning and housing production, was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, reported that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Rush of Boston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Land use
reform,
promote.

An Order (filed by Mr. Torrissi of North Andover) relative to authorizing the committee on Community Development and Small Business and the committee on Municipalities and Regional Government to consider jointly Senate, No. 168 and House, No. 3544, relative to promoting land use reform in the Commonwealth, was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, reported that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Torrissi, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petition.

Laurence
Lacombe,
sick leave
bank.

Mr. Fagan of Taunton presented a petition (subject to Joint Rule 12) of James H. Fagan for legislation to establish a sick leave bank for Laurence Lacombe, an employee of the Taunton Division of the Trial Court of the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Petrucci of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Paper from the Senate.

Regulations,
legislative
oversight.

A Bill expanding legislative oversight of agency regulations (Senate, No. 2066, amended by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to expand legislative oversight of agency regulations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (on a petition), passed to be engrossed by the Senate, was read.

Under suspension of Rule 33, on motion of Mr. Jones of North Reading, the bill was considered forthwith; and, on further motion of the same member, it was referred to the committee on Rules.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to clarify eligibility for health insurance for school employees (House, No. 518),— and recommending that the same be recommended to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

School
employees,
insurance.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3746) of Paul Kujawski regulating the payment of interest on advance rentals and security deposits,— and recommending that the same be referred to the committee on Housing;

Interest,
security
deposits.

Of the petition (accompanied by bill, House, No. 3801) of the Associated Industries of Massachusetts and others relative to the unemployment insurance system,— and recommending that the same be referred to the committee on Labor and Workforce Development;

Unemployment
insurance
system.

By Mrs. Haddad of Somerset, for the committee on Education, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1019) of James R. Miceli relative to the listing of the amount of carbohydrates contained in food served in schools,— and recommending that the same be referred to the committee on Children and Families;

School
food
products.

Of the petition (accompanied by bill, House, No. 1137) of Robert Edwards to prohibit the use of headers in soccer games sponsored by public and private schools and colleges,— and recommending that the same be referred to the committee on Public Health;

Soccer,
prohibit
use of
headers.

By Mr. Correia of Fall River, for the committee on Elder Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 376) of Jarrett T. Barrios, Barbara A. L'Italien, Therese Murray, Steven A. Tolman and other members of the General Court for legislation to ensure the humane treatment of disabled persons;

Disabled
persons,
humane
treatment.

Of the petition (accompanied by bill, Senate, No. 394) of Brian P. Lees, Richard R. Tisei, Bruce E. Tarr, Robert L. Hedlund and other members of the General Court for legislation to protect disabled persons from financial exploitation; and

Disabled,
financial
exploitation.

Of the petition (accompanied by bill, House, No. 2914) of Kathi-Anne Reinstein and others relative to emergency aid for elderly and disabled residents of the Commonwealth;

Elderly,
emergency
aid.

Direct care
worker
reserve
fund.

And recommending that the same severally be referred to the committee on Children and Families; and

By Mrs. Walrath of Stow, for the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2896) of Ronald Mariano for legislation to establish a direct care worker reserve fund,— and recommending that the same be referred to the committee on Elder Affairs.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Medford,
elections.

By Mr. Petrucci of Boston, for the committee on Election Laws, on a petition, a Bill relative to certain elections in the city of Medford (House, No. 3846) [Local Approval Received] [Representative Creedon of Brockton dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Route 122,
designation.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating a portion of state highway route 122-north in the towns of Paxton, Rutland, Oakham and Barre as a scenic byway (Senate, No. 1881, changed) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sullivan of Fall River, the bill was read a second time forthwith; and it was ordered to a third reading.

Local
governments,
joint
operations.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the joint operations of governmental units (House, No. 3606). Read; and referred, under Rule 33, to the committee on Ways and Means.

Chelsea
Public
Schools.

By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Bill relative to the Chelsea public schools (House, No. 3839) [Local Approval Received].

Natural
gas tanker
import
terminals,
regulate.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, on a petition, a Bill regulating liquefied natural gas tanker import terminals (House, No. 1418, changed by adding at the end thereof the following section:

“SECTION 2. The provisions of this act shall apply to all LNG import terminals constructed after January 1, 2005.”).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Mr. Rush of Boston being in the Chair,—

The Senate Bill providing for capital repairs to the Jim Roche Memorial Rink in the West Roxbury section of the city of Boston

Third
reading
bill.

(Senate, No. 2050) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Mr. Donato of Medford having returned to the Chair,—

The House Bill relative to a certain parcel of land in the town of Shrewsbury (House, No. 2794), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

Next
sitting.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M.